

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

ARTHUR LAWRENCE, et al. v. DEPENDABLE MEDICAL TRANSPORT
SERVICES, L.L.C., et al.
JUDGE H. RUSSEL HOLLAND CASE NO. 2:13-cv-0417-HRH

PROCEEDINGS: ORDER FROM CHAMBERS

The court is in receipt of the parties' joint proposal for opt-in proceedings.¹ The court is prepared to approve the notice which the parties propose to employ, subject to the following:

- (1) The parties disagree as to whether defense counsel's contact information should be included in the notice. The proposed notice will be approved without inclusion of defense counsel's contact information. The court is not impressed with the contention that inclusion of that information might enhance the risk of retaliation by the employers because defense counsel, and thereby the defendants, will surely learn who has and who has not opted into this case. Nevertheless, the court perceives no need or necessity for the notice to include defense counsel's contact information; and the opt-in process is for the purpose of joining in this litigation through engaging counsel – a matter in which defense counsel has no role.

¹Docket No. 50.

- (2) The proposed notice addresses the matters of attorney fees and costs. As drafted, the notice would inform opt-in plaintiffs that attorney fees will be on a “contingent basis” or as determined by the court, whichever is greater. The notice does not explain what a “contingent fee” is, nor how it would be computed. It strikes the court that opt-in plaintiffs should have a better understanding of what their net recovery will be if the plaintiffs prevail.

The parties will please confer and, on or before August 2, 2013, propose a revision to their proposed notice on the subject of attorney fees.
